



10,645,887

March 29, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: E-mail software and method and system for distributing advertisements to client devices that have such e-mail software installed thereon

US File # **20040039784** Filed: 8/20/2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20040039784**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level in a client-server ad delivery system. (0020) (0023) (0062) The database contains "ad identifiers" that are the equivalent of metatag keywords. (0187) The advertising database is described in (0023) and others.

Further, the "adware" includes the ability to monitor user interaction with the software and display ads appropriately, "an audit function that compiles audit data including software usage data reflecting features of the software used by the user during a prescribed audit interval" (0026)

The PlayLists described are a database of advertisements and their attributes that are displayed at the client level based upon interaction with downloaded client software (email software) and voluntary user actions initiated through that software. "The PlayList is in its essence a list of URNs from which to fetch the actual ads as well as a set of attribute-value pairs, on a per-ad basis" (0131)

The abstract reads in part, "Software, for use on a client device that is configured for communications with at least one remote source of advertisements via a communications network, instantiates an advertisement download function that downloads advertisements from the at least one remote source, during one or more advertisement download sessions, an advertisement storage function that stores the downloaded advertisements on a storage medium associated with the client device, an advertisement display function that effects display of at least selected ones of the stored advertisements on a display associated with the client device, an audit function that compiles ad-related statistical data relating to

the downloaded advertisements, wherein the ad-related statistical data includes display event-related data regarding advertisements that were displayed during a prescribed audit interval”

Relevant Claims are 1, 8, 9, 13, 16, 20, 21, 22, 51, 52, 53, 54 and others. Descriptive paragraphs include (0020) (0021) (0023) (0026) (0030) (0060) (0062) (0129) and others.

Entering or performing a voluntary action, i.e. composing an email, then starts a string of events that correlates with data in the remotely controlled and updated database and appropriate advertisements or content are subsequently displayed. This is generally referred to as “pull” advertising as a voluntary action on the part of a user at the client level interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to other profiling systems. The Application is based on a Provisional Patent filed in 12/99 and prior art certainly existed at that point in time. The filers are correct that a targeted system based on voluntary actions is more accurate and excels in its ability to deliver “relevant” ads or content at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

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I believe the Examiner should look very closely at the Claims made and deny this Application.

United States Patent: 6,141,010 - Netscape

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United States Patent 6,141,010

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(1 of 1)

United States Patent
Hoyle

6,141,010
October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

Claria - Corporate Overview - Overview - Netscape

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http://www.claria.com/companyinfo/

Claria Corporate Overview Overview

CLARIA

CORPORATE OVERVIEW

Overview

Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers - including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads - boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Greentree Capital.

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TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Bibliographic data	Description	Claims	INPADOC LEGAL status
Potent number: CA2328913			Also published as:
Publication date: 1999-10-23			WO9955066 (A1)
Inventor: ZETMEIR KARL D (US)			EP1076963 (A1)
Applicant: ZETMEIR KARL D (US)			
Classification:			
International: H04M3/00			
European:			
Application number: CA19992328913, 19990414			
Priority number(s): US 1999062041, 19990417, WO 19990508 102, 19990414			

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Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



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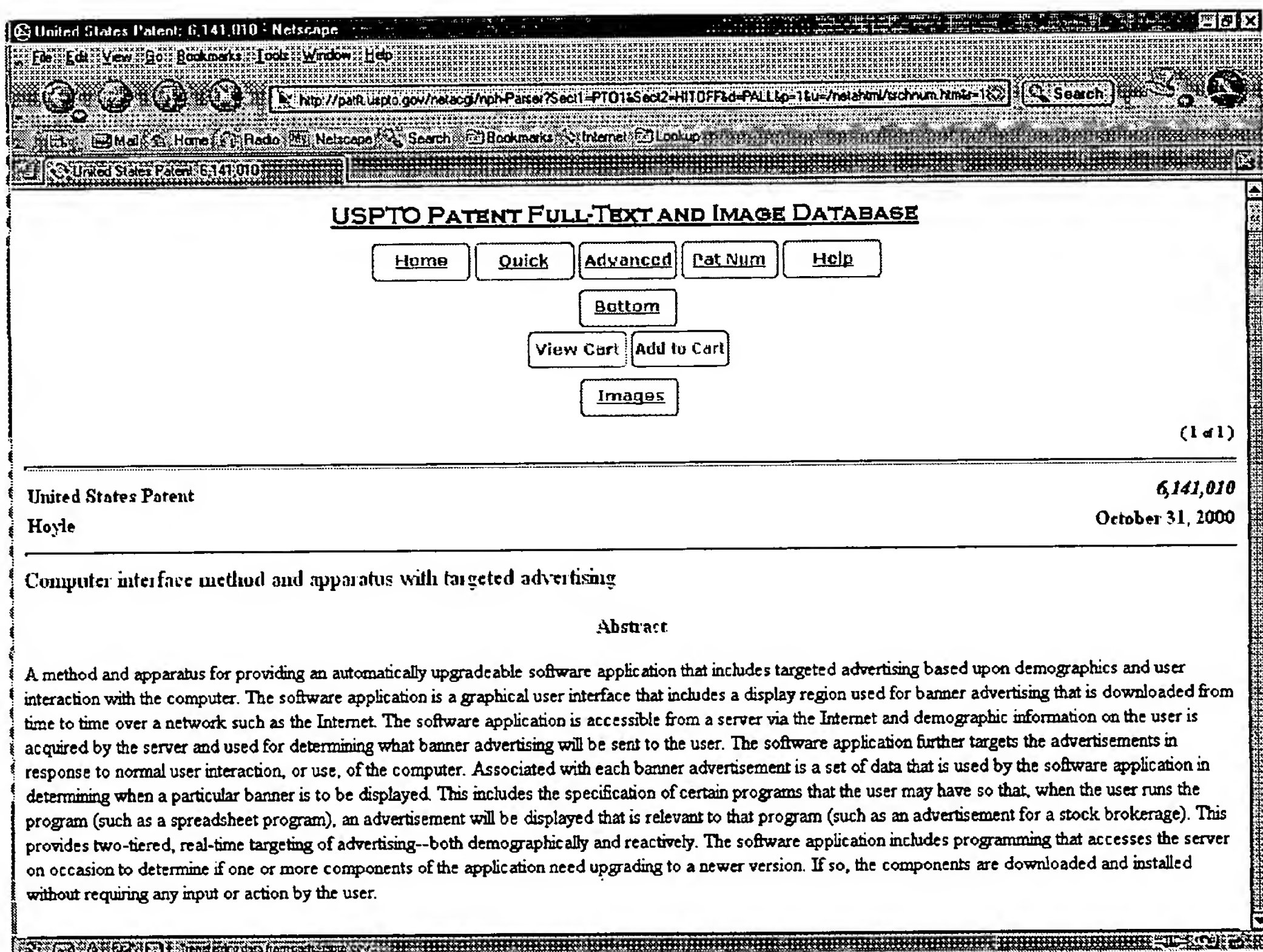
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Applicant:	ZETMEIR KARLO (US)		
Classification:			
International:	H04M3/00		
European:			
Application number:	CA19962328913/10960414		
Priority number(s):	US19960052041; 19960417; WO19960508102; 19960414		

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